

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SUE EARL,

Plaintiff,

v.

NOVARTIS CONSUMER HEALTH,
INC.

Defendant.

Hon. Richard M. Berman, U.S.D.J.
Civil No.: 07 CIV 9595 (RMB)

Document Electronically Filed

CERTIFICATION OF GREGORY TOLE

Gregory Tole, being of full age, certifies and states as follows:

1. I am employed by Novartis Consumer Health, Inc. ("Consumer Health") as the Vice President and Associate General Counsel. I submit this Certification in support of Consumer Health's Motion for summary Judgment.
2. I make this statement based on my personal knowledge.
3. I have served as Associate General Counsel of Consumer Health since 2001. Any information regarding claims or potential claims against Consumer Health were referred to me from that time to the present. Consumer Health was never advised that Sue Earl had filed a Charge of Discrimination with the EEOC or any state agency, and was never advised that there was a claim or potential claim by Sue Earl against Consumer Health, until October of 2007 when the complaint in this case was filed.

I hereby certify under penalty of perjury that the foregoing statements made by me are true and correct. Executed on this 12th day of June, 2008.

By: Gregory Tole
Gregory Tole

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